

-PS-O-

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ISIDRO ABASCAL,

Plaintiff,

-v-

DENNIS FLECKENSTEIN, et al.,,

Defendants.

DECISION and ORDER
06-CV-0349S(Sr)

Plaintiff, who has litigated this case *pro se*, except for court-ordered mediation where he was appointed counsel for the limited purpose of the mediation, has requested appointment of counsel pursuant to 28 U.S.C. § 1915(e)(1). (Docket No. 110.) This Court is required to see that all litigants receive proper representation of counsel under the criteria set forth in *Cooper v. A. Sargenti Co.*, 877 F.2d 170 (2d Cir. 1989), and *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986). In addition, courts have the inherent authority to assign counsel to represent private indigent litigants. See *In re Smiley*, 36 N.Y.2d 433, 438 (1975).

Additionally, each lawyer — especially those who are admitted to practice in federal court and who therefore are in a position to reap the benefits of such practice — has a professional obligation to provide *pro bono* services for the poor. See New York Rules of Professional Conduct, Rule 6.1. In addition, Rule 83.1(f) of the Local Rules of Civil Procedure provides as follows:

Every member of the bar of this Court who maintains, or whose firm maintains, an office in this District, shall be available upon the Court's request for appointment to

represent or assist in the representation of indigent parties. Appointments under this Rule shall be made in a manner such that no Member shall be requested to accept more than one appointment during any twelve-month period.

It is in this spirit that the Court assigns Lisa A. Coppola, Esq. and Kimberly A. Georger, Esq. of Rupp, Baase, Pfalzgraf, Cunningham & Coppola LLC, 1600 Liberty Building, Buffalo, New York 14202, *pro bono*, to faithfully and diligently represent plaintiff in this case.

The Clerk of the Court is directed to forward to Lisa A. Coppola and Kimberly A. Georger, along with a copy of this order, the Guidelines Governing Reimbursement from the District Court Fund of Expenses Incurred by Court Appointed Counsel.¹ The Chief Judge of the Court will also issue an Order directing PACER to waive its fees so pro bono counsel can access and print at no cost to him or his firm any other documents filed herein that he may need. Plaintiff's attorneys are directed to contact the Court by **September 7, 2012** to request a date for a status conference to discuss further proceedings in the case.

SO ORDERED

Dated: August 3, 2012
Buffalo, New York

s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court

¹This information and the forms are also available on the Court's web site at the Attorney link from the home page located at: <http://www.nywd.uscourts.gov/pro-bono-program-district-court-fund>.